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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/594,322	06/15/2000	Antonio Nevarez	9049.00	8854

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JAMES M. STOVER
NCR CORPORATION
1700 SOUTH PATTERSON BLVD, WHQ4
DAYTON, OH 45479

EXAMINER
BACKER, FIRMIN

ART UNIT	PAPER NUMBER
3621	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/23/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

	Application No.	Applicant(s)
Office Action Summary	09/594,322	NEVAREZ, ANTONIO
	Examiner	Art Unit
	FIRMN BACKER	3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>08 December 2006</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-11 and 13-26</u> is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-11 and 13-26</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☐ All   b)☐ Some * c)☐ None of:

         1.☐ Certified copies of the priority documents have been received.

         2.☐ Certified copies of the priority documents have been received in Application No. _____.

         3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)   4)☐ Interview Summary (PTO-413)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)   Paper No(s)/Mail Date. _____ .

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)   5)☐ Notice of Informal Patent Application (PTO-152)

     Paper No(s)/Mail Date _____ .   6)☐ Other: _____ .

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed
> in the United States before the invention by the applicant for patent or (2) a patent granted on an application for
> patent by another filed in the United States before the invention by the applicant for patent, except that an
> international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this
> subsection of an application filed in the United States only if the international application designated the United
> States and was published under Article 21(2) of such treaty in the English language.

2.   Claims 1-11 and 13-26 are rejected under 35 U.S.C. 102(e) as being clearly anticipated

by Keene et al (U.S. PG Pub No. 2004/0049294 A1).

3.   As per claim 1, Keene et al teach a method for use in improving profitability of one or

more business entities, comprising receiving business-related data (*objects associated with*

business document), from at least two unrelated business entities (*businesses)*, where the

business related data describes one or more aspect of the operations of each of the business

entities; storing at least some of the business-related data from each of the business entities in a

common database (*information retention system, 138)*. Keene further teach a system wherein in

accordance with the terms of an agreement (*business agreement)* among the business entities

(*among business partners)*, allowing at least one of the business entities to receive information

(*confidential information)* gathered from the common database where the information includes

data describing some aspect of a business relationship between at least one of the business

entities and another entity that is not party to the agreement (*see paragraphs 0018-0022, 0024,*

0048, 0050, 0053).

4.   As per claim 2, Keene et al teach a method where allowing one of the business entities to

receive information gathered from the common database includes gathering at least some of the

information from data received from a business entity other than the one receiving the

information (*see paragraphs 0018-0022, 0024, 0048, 0050, 0053).*

5.   As per claim 3, Keene et al teach a method where allowing one of the business entities to

receive information gathered from the common database includes granting that business entity

permission to gather the information directly from the common database (*see paragraphs 0018-*

0022, 0024, 0048, 0050, 0053).

6.   As per claim 4, Keene et al teach a method where allowing one of the business entities to

receive information gathered from the common database includes gathering the information on

behalf of the business entity and then delivering the information to the business entity (*see*

paragraphs 0018-0022, 0024, 0048, 0050, 0053).

7.   As per claim 5, Keene et al teach a method where storing data in the common database

includes storing the data in a database maintained by an entity in the business of providing data

warehousing services (*see paragraphs 0018-0022, 0024, 0048, 0050, 0053).*

8.   As per claim 6, Keene et al teach a method of granting unrestricted access to the common

database only to a third party named in the agreement among the business entities (*see*

paragraphs 0018-0022, 0024, 0048, 0050, 0053).

9.   As per claim 7, Keene et al teach a method where storing data in the common database

includes storing the data in a scalable data warehouse (*see paragraphs 0018-0022, 0024, 0048,*

0050, 0053).

10.   As per claim 8 and 9, Keene et al teach a method where storing data in the common

database include storing the data in a warehouse having a total capacity of at least approximately

one to hundreds terabyte (*see paragraphs 0018-0022, 0024, 0048, 0050, 0053*).

11.   As per claim 10, Keene et al teach a method where receiving business-related data

includes receiving data that describes the customers of at least one of the business entities (*see*

paragraphs 0018-0022, 0024, 0048, 0050, 0053).

12.   As per claim 11, Keene et al teach a method where receiving business-related data

includes receiving data that describes the products offered by at least one of the business entities

(*see paragraphs 0018-0022, 0024, 0048, 0050, 0053*).

13.   As per claim 13, Keene et al teach a method where receiving business-related data

includes receiving consumer data and product data from the business entities (*see paragraphs*

0018-0022, 0024, 0048, 0050, 0053).

14.   As per claim 14, Keene et al teach a method where receiving business-related data

includes occasionally receiving new data from the business entities (*see paragraphs 0018-0022,*

0024, 0048, 0050, 0053).

15.   As per claim 15 and 16, Keene et al teach a method where receiving business-related data

includes receiving data that is also stored in a private data warehouse maintained by/on behalf

one of the business entities under a data-warehouse services agreement (*see paragraphs 0018-*

0022, 0024, 0048, 0050, 0053).

16.   As per claim 17, Keene et al teach a method of negotiating the agreement among the

business entities in the group (*see paragraphs 0018-0022, 0024, 0048, 0050, 0053*).

17.   As per claim 18, Keene et al teach a method for use in operating a consortium among a

number of distinct and unrelated business entities, the method comprising: collecting business

related data gathered by the unrelated business entities, where the business-related data describes

one or more aspects of the operations of each of the business entities, and delivering at least

some of the extracted information to each of the business entities in the consortium, a system of

applying an agreement negotiated among the entities for controlling the business-related data in a

shared data warehouse, extracting information from the pooled data in accordance with terms of

the negotiated agreement, where the information includes data describing some aspect of a

business relationship between al least one of the business entities and another entity that is not

party to the agreement. (*see paragraphs 0018-0022, 0024, 0048, 0050, 0053*).

18.   As per claim 19, Keene et al teach a method that included pooling the data into a data

warehousing system owned by a third party who does not contribute any of the pooled data (*see

paragraphs 0018-0022, 0024, 0048, 0050, 0053*).

19.   As per claim 20, Keene et al teach a method of pooling the data into a data warehousing

system owned by a third party who is in the business of providing data warehousing services (*see

paragraphs 0018-0022, 0024, 0048, 0050, 0053*).

20.   As per claim 21-23, Keene et al teach a method of applying an agreement drafted to

include terms governing the types of data to be placed in the shared data warehouse, access to the

shared data warehouse, types of information can be extracted from the shared data warehouse

(*see paragraphs 0018-0022, 0024, 0048, 0050, 0053*).

21.   As per claim 24, Keene et al teach a method applying an agreement drafted to include

terms providing for payment of money in exchange for services provided by a third party

selected to maintaining the shared data warehouse (*see paragraphs 0018-0022, 0024, 0048,

0050, 0053*)..

22.   As per claims 25 and 26, Keene et al teach a computer network comprising one or more

channels for use in receiving business-related data from at least two unrelated business entities

where the business-related data describes one or more aspects of the operations of each of the

business entities and a shared comprising a storage facility in which at least some of the

business-relaxed data received from each of the business entities is stored a mechanism for use

in; and deliver the information to at least one of the business entities, a system of granting

database access only in accordance with the terms of an agreement among the business entities;

and a computer system configured to gather information from the shared database when

instructed to do so by a party having access to the database, where the information includes data

described some aspect of a business relationship between at least one of the business entities and

another entity that is not party to the agreement (*see paragraphs 0018-0022, 0024, 0048, 0050,*

0053).

Response to Arguments

23.   Applicant's arguments filed December 8th, 2006 have been fully considered but they are

not persuasive.

        a.   Applicant argue that the prior art (Keene et al) fail to teach show or suggest the

        delivery of information describing the business relationship between one of the business

        entities and "another entity that is not party to the agreement." Examiner respectfully

        disagrees with Applicant characterization of the prior art. As argue by the Applicant,

Keene et al teach a system that provides a database system for storing and providing

controlled access to objects and associated documents by multiple users according to

predetermined privileges. Individual users, or guests, can be given access to the objects,

its attributes and associated documents as determined by the host of the information. *The*

host of the information can set up access privileges based on any type of relationship.

This is particularly useful in complex business relationships between a host and a

plurality of users, both of which may be sensitive about their trade secrets and other

confidential information. In operation, after given an access identification, a user can

access the database system and request access to an object. The system then retrieves

information pertaining to the individual user's privilege criteria and determines which

information contained in the database may be accessed by the requestor. *The system then*

filters the information including objects, their attributes and associated documents

according to the privilege information and gives the user limited access to the

information. The requested and approved information can then be sent to the requestor of

the information. This could also be displayed to the user as a document file having a

redacted document, blocking out the information that the user is not privileged to see.

Keene clearly state that "this criteria can be set according to one or a number of business

agreements among business partners for handling privileged and confidential information

during the course of business." This is to indicate that if a user or requestor is not in any

agreement with the system or if the access criteria fail to match the preset criteria, access

to the data/information will be denied.

Conclusion

24.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

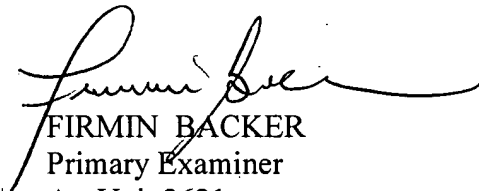policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to FIRMIN BACKER whose telephone number is 571-272-6703.

The examiner can normally be reached on Monday - Thursday 9:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Andrew J. Fischer can be reached on (571) 272-6779. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

FIRMIN BACKER
Primary Examiner
Art Unit 3621

February 11, 2007